

BEFORE THE BOARD OF MEDICAL EXAMINERS
IN THE STATE OF ARIZONA

In the Matter of

ELIZABETH SUTHERLAND, M.D.

Holder of License No. 28165
For the Practice of Medicine
In the State of Arizona.

Case No. MD-01-0541

**CONSENT AGREEMENT FOR A
LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Board of Medical Examiners ("Board") and Elizabeth Sutherland, M.D. ("Respondent"), the parties agreed to the following disposition of this matter at the Board's public meeting on February 6-7, 2002.

1. Respondent acknowledges that she has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent acknowledges that she understands she has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement for the issuance of the foregoing Order, she voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement and the Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

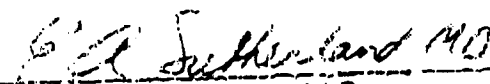
3. Respondent acknowledges and understands that this Consent Agreement and the Order will not become effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

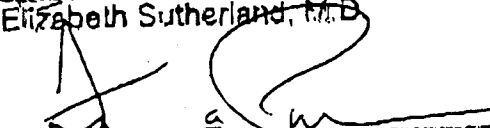
5. Respondent acknowledges and agrees that, although the Consent Agreement has not yet been accepted by the Board and issued by the Executive Director, upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke her acceptance of the Consent Agreement and Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

6. Respondent further understands that this Consent Agreement and Order, once approved and signed, shall constitute a public record document that may be publicly disseminated as a formal action of the Board.

7. If any part of the Consent Agreement and Order is later declared void or otherwise unenforceable, the remainder of the Order in its entirety shall remain in force and effect.


Elizabeth Sutherland, M.D.

Reviewed and accepted this 31
day of January, 2002.


Frank Parks, Esq.
(Counsel for Elizabeth Sutherland, M.D.)

Reviewed and approved as to form 31
day of January, 2002

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 28165 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-01-0541 upon obtaining information about Respondent prescribing controlled substances to immediate family members.

4. On July 21, 2001, while conducting a pharmacy survey unrelated to Respondent's practice, Board staff found two prescriptions for pain medication issued by Respondent to patient T.H., Jr.

5. Board staff inquired about the prescriptions and pharmacy staff indicated that patient T.H., Jr. was Respondent's brother. Pharmacy records revealed that Respondent had written ten prescriptions for controlled substances to patient T.H., Jr. since July 25, 2000.

6. Subsequently, Board staff reviewed Respondent's Arizona licensing file and verified that Respondent's maiden name and patient T.H.'s last name were the same.

7. In a letter to the Board dated August 8, 2001, Respondent admitted that she prescribed controlled substances to patient T.H., Jr., her brother who had a family history of headaches. Respondent noted that patient T.H., Jr. had recently changed health insurance plans and was not yet assigned to a new primary care physician.

8. Respondent's medical records regarding patient T.H., Jr. did not contain entries prior to May 26, 2001. Thus, nine of the ten prescriptions from July 25, 2000, to July 10, 2001, were not supported by documentation.

9. During a September 13, 2001, investigational interview, Respondent admitted that she issued prescriptions to her brother but failed to chart the medications in

1 the medical records. She also admitted that she prescribed controlled substances to her
2 father, patient T.H., Sr. Board staff reviewed the pharmacy and medical records of patient
3 T.H., Sr. The pharmacy records correspond with Respondent's medical records regarding
4 patient T.H., Sr.

5 10. Respondent committed unprofessional conduct by prescribing controlled
6 substances to her immediate family and failing to maintain adequate patient records.

7 CONCLUSIONS OF LAW

8 1. The Board possesses jurisdiction over the subject matter hereof and over
9 Respondent.

10 2. The conduct and circumstances described above in paragraphs 4,5,7-10
11 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(h)("[p]rescribing or
12 dispensing controlled substances to members of the physician's immediate family.")

13 3. The conduct and circumstances described above in paragraph 8 constitute
14 unprofessional conduct pursuant to A.R.S. § 32-1401(25)(e)("[f]ailing or refusing to
15 maintain adequate records on a patient.")

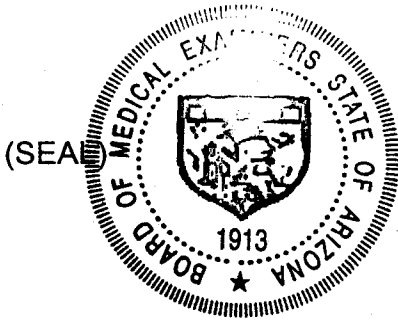
16 ORDER

17 IT IS HEREBY ORDERED THAT:

18 1. Respondent is issued a Letter of Reprimand for prescribing of controlled
19 substances to members of her immediate family and failing to maintain adequate patient
20 records for patient T.H., Jr.
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2. This Order is the final disposition of case number MD-01-0541.

DATED AND EFFECTIVE this 7th day of February, 2002.



BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

By Claudia Foutz
CLAUDIA FOUTZ, Executive Director
TOM ADAMS, Deputy Director

ORIGINAL of the foregoing filed this
7th day of FEBRUARY, 2002 with:

The Arizona Board of Medical Examiners
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed by
Certified Mail this 7th day of FEBRUARY, 2002 to:

Frank Parks, Esq.
Sanders & Parks
3030 N. 3rd St., Ste. 1300
Phoenix, AZ 85012-3099

EXECUTED COPY of the foregoing mailed
this 7th day of FEBRUARY, 2002 to

Elizabeth Sutherland, M.D.
2200 N Central Ave Ste 203
Phoenix AZ 85004-1431

1 EXECUTED COPY of the foregoing
2 hand-delivered this 7th day of FEBRUARY, 2002, to:

3 Christine Cassetta, Assistant Attorney General
4 ~~John W. White~~ Management Analyst
5 Lynda Mottram, Compliance Officer
6 Lisa Maxie-Mullins, Legal Coordinator (Investigation File)
7 c/o Arizona Board of Medical Examiners
8 9545 E. Doubletree Ranch Road
9 Scottsdale, AZ 85258
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